

MINUTES
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION
ANNUAL COMMISSION MEETING

Wednesday, June 15, 2022

3:15 p.m.

Washington County
Committee Room No. 1014
432 E. Washington Street
West Bend, WI 53095

Meeting Occurred in Person and Virtually via Video and Telephone Conference

Present:

Commissioners:

Charles L. Colman, Chairman
Michael A. Crowley, Vice-Chairman
Thomas H. Buestrin
James T. Dwyer
Brian E. Holt
Dewayne Johnson
Mary Knipper
James A. Ladwig
Aloysius Nelson
Marcelia Nicholson
Robert W. Pitts
Jeffrey D. Schleif
Daniel S. Schmidt
David L. Stroik
Adam M. Tindall-Schlicht
Gustav W. Wirth, Jr.

Excused:

Donna Brown-Martin
Jonathan Delagrave
Natalia Minkel-Dumit
John O'Day
Peggy L. Shumway

Staff:

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| Kevin J. Muhs | Executive Director |
| Benjamin R. McKay | Deputy Director |
| Elizabeth A. Larsen | Director of Administration |
| Catherine M. Pozum | Human Resources Assistant/Bookkeeper |

ROLL CALL

Chairman Colman called the 279th meeting of the Commission to order at 3:15 p.m. Roll call was taken, and a quorum was declared present. Chairman Colman indicated for the record that Commissioners Brown-Martin, Delagrave, Minkel-Dumit, O'Day, and Shumway had asked to be excused.

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Mr. Schleif welcomed the Commissioners to Washington County. Mr. Schleif then conducted a brief tour of the new Washington County Board Chambers.

APPROVAL OF MINUTES OF THE MARCH 9, 2022, QUARTERLY COMMISSION MEETING

On a motion by Mr. Stroik, seconded by Mr. Pitts, and carried unanimously, the minutes of the March 9, 2022, Quarterly Commission Meeting were approved as published.

TREASURER'S REPORT

Mr. Colman called on Mr. Stroik to present the Treasurer's Report. Mr. Stroik noted that a copy of the Treasurer's Report had been provided to all Commissioners for review prior to the meeting and called attention to the following items:

1. Based upon disbursements through April 24, 2022, it is projected that total disbursements for the year will approximate \$8.9 million. Revenues are projected at about \$9.0 million, exclusive of interest income and miscellaneous revenues.
2. The Commission's Reserves Policy indicates a minimum reserve amount of \$5,170,950, with a maximum reserve amount of \$11,241,895. The audited cash and cash equivalents at end of year 2021 are \$5,744,190.
3. As of April 24, 2022, the Commission had in investments and cash on hand approximately \$7.0 million. Nearly \$6.3 million are invested in the State of Wisconsin Local Government Pooled Investment Fund. As of April 24, 2022, that fund was yielding 0.30 percent interest. Other funds are held in savings, checking, and certificate of deposit accounts at several banks.

Mr. Nelson commented that the Projected Revenue Total, the Disbursements through April 24, 2022, and Projected Disbursements April 25, 2022, through December 31, 2022, amounts did not match up. Mr. Muhs thanked Mr. Nelson for noting the error indicated that the report would be corrected.

In response to an inquiry by Mr. Nelson concerning the disbursement totals, Ms. Larsen stated the difference was due to the projected deficit for the Chloride Impact Study.

There being no further discussion, on a motion by Mr. Schleif, seconded by Mr. Schmidt, and carried unanimously, the Treasurer's Report for the period ending April 24, 2022, was approved (copy of the Treasurer's Report is attached to the Official Minutes).

STANDING COMMITTEE REPORTS

Planning and Research Committee

Chairman Colman asked Mr. Schmidt to present the Planning and Research Committee report. Mr. Schmidt noted that the report had been provided to all Commissioners prior to the meeting. He also noted that the Planning and Research Committee had met once since the Commission's Quarterly meeting on March 9, 2022.

On May 10, 2022, the Committee took the following actions:

1. Reviewed and acted to recommend to the Commission for adoption the following amendments to the Regional Water Quality Management Plan:

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- Amendment to the Village of Menomonee Falls sanitary sewer service area
 - Amendment to the Village of Darien sanitary sewer service area
2. Received a presentation on the Restoration Plan for the Oak Creek Watershed.

There being no discussion, on a motion by Mr. Dwyer, seconded by Mr. Nelson, and carried unanimously, the Planning and Research Committee Report was approved (copy of the Planning and Research Committee Report is attached to the Official Minutes).

Administrative Committee Report

Chairman Colman asked Mr. Dwyer to present the Administrative Committee report. Mr. Dwyer noted that the report had been provided to all Commissioners prior to the meeting. He also noted that the Administrative Committee had met two times since the Quarterly Commission Meeting on March 9, 2022.

On Thursday, April 21, 2022, the Committee took the following actions:

1. Reviewed and approved disbursements for four financial periods: year 2022 Nos. 4, 5, 6, and 7, for the period January 31, 2022, to March 27, 2022.
2. Reviewed and approved the Statement of Projected Revenues and Expenditures for the financial reporting period ending March 27, 2022.

On Thursday, May 19, 2022, the Committee took the following actions:

1. Received and accepted the year 2021 Commission Audit Report.
2. Reviewed and approved disbursements for two financial periods: year 2022 Nos. 8 and 9 for the period March 28, 2022, to April 24, 2022.
3. Reviewed and approved the Statement of Projected Revenues and Expenditures for the financial reporting period ending April 24, 2022.
4. Received a report from the Ad Hoc Salary Committee on staff compensation. Staff merit and promotion increases totaled \$211,990.00, or 4.75 percent.
5. Considered and approved budget assumptions for 2023.
6. Considered and approved renewal of the Commission's business insurance.

There being no discussion, on a motion by Mr. Wirth, seconded by Mr. Nelson, and carried unanimously, the Administrative Committee Report was approved (copy of the Administrative Committee Report is attached to the Official Minutes).

Executive Committee Report

Commission Chairman Colman, as Chairman of the Executive Committee, provided the Executive Committee report. He stated that the Executive Committee met two times since the Quarterly Commission

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Meeting on March 9, 2022. Chairman Colman's report on the April 21, 2022, and May 19, 2022, meetings follow:

At both meetings, the Committee:

1. Received and approved a report from the Administrative Committee relative to its meeting that day.
2. Reviewed and approved proposed contracts for planning work. Eight contracts were approved in April, and five contracts were approved in May. The details of those contracts were attached to the Chairman's report.
3. Received a report outlining progress on key planning efforts being undertaken by the Commission in 2022. The most recent progress report was attached to this report.

At the April meeting the Committee took the following action:

1. Reviewed and approved an amendment to the 2021 Overall Work Program (OWP).

At the May meeting the Committee took the following action:

1. Reviewed and approved amendments to the 2021-2024 Regional Transportation Improvement Program (TIP). These amendments to the 2021-2024 TIP were necessary to advance 11 existing projects and 39 new projects, which were approved by the Commission's Advisory Committees on Transportation System Planning and Programming for the Kenosha, Milwaukee, Racine, Round Lake Beach, and West Bend Urbanized Areas.
2. Discussed and approved adjusting Commissioner per diem rates.

In response to an inquiry by Mr. Tindall-Schlicht, Mr. Muhs stated that at the request of the Counties, the Commission conducts the Regional Orthoimagery program every two years. Ms. Larsen stated that both Milwaukee and Washington County have opted to use Eagle View Technologies, Inc., as the orthophotography vendor rather than Ayers Associates that the remaining Counties are using. Commission staff provides quality control for both contracts.

In response to an inquiry by Mr. Johnson, Mr. Muhs stated that the per diem rates the Commission was considering were comparable to other regions of the State.

In response to an inquiry by Mr. Tindall-Schlicht, Mr. Muhs stated that there was one objection to approving the new per diem rate of \$75.00 for a Committee meeting and \$100.00 for a full Commission meeting.

There being no further comments or discussion, on a motion by Mr. Crowley, seconded by Mr. Pitts, and carried unanimously, the Executive Committee Report was approved (copy of the Executive Committee Report is attached to the Official Minutes).

CONSIDERATION OF THE COMMISSION'S BUDGET FOR CALENDAR YEAR 2023

Chairman Colman noted that copies of the proposed Commission budget for calendar year 2023 had been provided to all Commissioners for review prior to the meeting. He then asked Mr. Muhs to briefly present the proposed budget.

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Mr. Muhs led the Commissioners through the proposed budget document noting that the assumptions underlying the budget had been reviewed and approved by the Commission Administrative Committee at its May meeting.

During the budget presentation, the following questions and comments were addressed.

In response to an inquiry by Ms. Nicholson, Mr. Muhs stated that the 2022 Consultant fees were associated with the cost of the Regional Orthoimagery Program.

In response to an inquiry by Mr. Stroik, concerning the decrease in the Economic Development budget line item. Mr. Muhs stated that this line item does not account for the Commission potentially becoming an Economic Development District. He then stated that staff are unsure of when this designation would become final, and it is therefore not reflected in this budget.

Mr. Tindall-Schlicht inquired about hiring and staff retention, specifically retention benefits and staff salary increases. Mr. Muhs responded noting that the Commission Personnel Regulations were updated in January 2020 to bring the Commission closer in line to peer organizations with regard to benefits offered. Mr. Muhs also stated that staff receive merit increases in July of each year.

In response to a second inquiry by Mr. Tindall-Schlicht concerning the Bipartisan Infrastructure Law funding, Mr. Muhs stated the funding the Commission will receive is guaranteed and there are no concerns as to how the State will allocate the funds.

In response to an inquiry by Mr. Crowley, Ms. Larsen stated that with the increase in the Commission per diem rate, the meeting fees remain within budget.

In response to an inquiry by Mr. Tindall-Schlicht, Mr. Muhs stated that during the conduct of the Household Travel Survey, staff surveys approximately 17,000 households and combines that information with other data for transportation planning purposes.

In response to a final inquiry by Mr. Tindall-Schlicht, Ms. Larsen stated that the funding provided by the Wisconsin Department of Administration for the Coastal Management Program has remained at \$20,000 for over 30 years.

There being no further discussion, on a motion by Mr. Dwyer and seconded by Mr. Johnson, the Budget for calendar year 2023 was adopted as amended by a vote of 16 ayes and 0 nays.

CONSIDERATION OF AMENDMENTS TO THE REGIONAL WATER QUALITY MANAGEMENT PLAN

Amendment to the Village of Darien sanitary sewer service area (Resolution No. 2022-09)

Chairman Colman asked the Commission to consider Resolution No. 2022-09, noting the Resolution would revise the Village of Darien sanitary sewer service area. He asked Mr. McKay to present this Resolution.

Prior to Mr. McKay's presentation, Mr. Muhs briefly reviewed the Commission's role in preparing sanitary sewer service area amendments as these amendments pertain to the Regional Water Quality Management Plan.

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Mr. McKay noted that:

- This sanitary sewer service area amendment to the regional water quality management plan was approved by the Commission's Planning and Research Committee on May 10, 2022. A sewer service area plan was adopted in July 1992 for the Darien area currently documented in SEWRPC Community Assistance Planning Report No. 123 (2nd Edition). The purpose of this amendment is to include within the planned sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area.
- The recommended amendment would add 158 acres, resulting in a 17 percent increase in the service area. The proposed addition to the service area includes 1.2 acres of environmentally significant land, consisting of 1.2 acres of secondary environmental corridor. Future development in the proposed addition would consist of industrial and commercial uses based on the Village comprehensive plan.
- Wastewater from the Darien area is treated at the WalCoMet wastewater treatment facility located in the City of Delavan. The plant has a design capacity of 7.0 million gallons per day (mgd) on an average annual basis. The current hydraulic loading to the plant is about 3.2 mgd on an average annual basis. The estimated wastewater flow from the proposed addition to the sewer service area would be about 0.24 mgd on an average annual basis.
- The amendment was the subject of a public hearing held on June 2, 2022, at the Darien Village Hall. Several Village and Town of Darien residents expressed concerns about the proposed development that was the impetus for this sanitary sewer service area amendment request, including a lack of adequate public input opportunities and that the Village was not taking into sufficient account residents' objections to the proposed development. Regarding the specific sewer service area amendment request, two residents indicated that a stream and certain adjacent wetlands located within and adjacent to the subject property had not been identified as an environmental corridor on the maps included with the draft sewer service area amendment report, and one resident indicated they did not support extension of public sanitary sewer and water service to the subject property. After the public hearing was closed, Village officials inquired about the stream. Commission staff explained that the stream and adjacent resources do not currently meet the Commission's environmental corridor mapping criteria. The Darien Village Board then approved the sewer service area amendment.
- The amendment is consistent with the land use component of VISION 2050, the regional water quality management plan, and Chapter NR 121 of the Wisconsin Administrative Code governing the preparation of areawide water quality management plans.

During the presentation the following comments were made.

In response to an inquiry by Mr. Stroik, Mr. McKay stated that communities requesting an amendment to their sanitary sewer service area are provided with the findings of the job/housing balance analysis conducted for the community as part of the Regional Housing Plan; however, job/housing balance is not one of the items that can be considered when evaluating whether a sewer service area amendment is consistent with the regional plan, Wisconsin Administrative Code, or procedural requirements.

Mr. Holt commented that the Walworth County Land Conservation Committee forwarded an advisory resolution supporting the amendment to the County Board and the Board referred the matter back to the Land Conservation Committee.

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In response to an inquiry by Ms. Knipper, Mr. McKay stated that this sewer service expansion was triggered by a proposed business development and the Village has amended the comprehensive plan to accommodate the development.

In response to an inquiry by Mr. Johnson, Mr. McKay stated that the request for the amendment was submitted by the Village and the Walworth County Metropolitan Sewerage District.

In response to an inquiry by Mr. Tindall-Schlicht, Mr. Holt stated that the proposed development has been contentious and there has been significant resident opposition.

Ms. Knipper acknowledged that this is a contentious issue but appreciates the explanation of the Commission's role in the process of considering whether the amendment is consistent with regional plans and the *Wisconsin Administrative Code*.

In response to an inquiry by Mr. Colman, Mr. McKay stated that the Village comprehensive plan has been amended to designate the entire subject area for future industrial or commercial development.

In response to an inquiry by Mr. Dwyer, Mr. McKay confirmed that the Village has general land use regulation authority.

In response to an inquiry by Mr. Johnson, Mr. McKay stated that the Village was required to hold a public hearing with a 30 day notice as part of the comprehensive plan amendment process.

Mr. Holt reiterated that the Commission's role in this process is not to review the proposed development, but to consider whether the sewer service area amendment is consistent with regional plans and the *Wisconsin Administrative Code*.

There being no further discussion, on a motion by Mr. Dwyer and seconded by Mr. Johnson, Resolution No. 2022-09 was adopted by a vote of 14 ayes and 0 nays (Copy of Resolution No. 2022-09 is attached to the Official Minutes).

Amendment to the Village of Menomonee Falls Sanitary Sewer Service Area (Resolution No. 2022-10)

Chairman Colman asked the Commission to consider Resolution No. 2022-10, noting the Resolution would revise the Village of Menomonee Falls sanitary sewer service area. He asked Mr. McKay to present this resolution.

Mr. McKay noted that:

- This sanitary sewer service area amendment to the regional water quality management plan was approved by the Commission's Planning and Research Committee on May 10, 2022. A sewer service area plan was adopted in June 1993 for the Menomonee Falls area currently documented in SEWRPC Community Assistance Planning Report No. 208. The purpose of this amendment is to include within the planned sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area.
- The amendment was the subject of a public hearing held on April 18, 2022, at the Menomonee Falls Village Hall. No objections to the proposed amendment were expressed at the public hearing.

The Menomonee Falls Village Board approved the sewer service amendment following the public hearing.

- The recommended amendment would add 421 acres to the Menomonee Falls sewer service area tributary to the Sussex wastewater treatment plant, which would be a 14 percent increase in the service area. The proposed additions to the service area include 134 acres of environmentally significant land, consisting of 57 acres of primary environmental corridor, 52 acres of secondary environmental corridor, 21 acres of isolated natural resource, and about four acres of wetlands.
- The subject area is designated for low-density residential uses in the Village comprehensive plan, at up to two housing units per acre. However, the plan recognizes that higher density residential development may be suitable for some parts of this area, subject to available sanitary sewer capacity.
- The amendment is consistent with the land use component of VISION 2050, the regional water quality management plan, and Chapter NR 121 of the Wisconsin Administrative Code governing the preparation of areawide water quality management plans.

In response to an inquiry by Mr. Dwyer, Mr. McKay stated the school districts are provided with comprehensive plan amendments.

There being no further discussion, on a motion by Mr. Dwyer and seconded by Mr. Schmidt, Resolution No. 2022-10 was adopted by a vote of 14 ayes and 0 nays (Copy of Resolution No. 2022-10 is attached to the Official Minutes).

REVIEW AND CONSIDERATION OF AMENDMENTS TO THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP) (Resolution No. 2022-08)

Chairman Colman asked the Commission to consider Resolution No. 2022-08, amending the 2021-2024 TIP. He noted that these materials were provided prior to this meeting. Mr. Muhs presented Resolution 2022-08, amending the 2021-2024 TIP. He indicated there were no existing projects and eight new projects to be amended into the TIP. He stated that the addition of these projects to the TIP was approved by the Commission's Advisory Committees on Transportation System Planning and Programming in the Kenosha, Milwaukee, Racine, and West Bend Urbanized Areas.

In response to an inquiry by Mr. Tindall-Schlicht, Mr. Muhs stated that the four replacement paratransit vehicles for the City of Racine Transit System were not battery-electric vehicles, and that the City's paratransit fleet has typically been powered by compressed natural gas (CNG).

There being no further questions or comments, on a motion by Mr. Crowley, seconded by Mr. Nelson, and carried by a vote of 14 ayes and 0 nays, Resolution No. 2022-08 was approved (copy of Resolution No. 2022-08 is attached to the Official Minutes).

CORRESPONDENCE/ANNOUNCEMENTS

Mr. Muhs stated that Chairman Colman had cancelled the June Administrative and Executive meetings.

ADJOURNMENT

There being no further business to come before the Commission, on a motion by Mr. Stroik, seconded by Mr. Wirth, and carried unanimously, the meeting was adjourned at 4:33 p.m.

Respectfully submitted,

Kevin J. Muhs
Deputy Secretary

KJM/BRM/EAL/cp
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